

## REMARKS/ARGUMENTS

The Official Action and the cited references have again been reviewed. The review indicates that the claims, as amended, recite patentable subject matter over the citations of Mazzara, Bamburak et al. and Narasimha et al. and should be allowed. Reconsideration and allowance are therefore respectfully requested.

Prior to contending with the grounds upon which the rejections are based, a summarization of the method for and apparatus of efficient selection and acquisition of a preferred wireless communications system is described to facilitate of easier grasp of the advance to the art, and to establish better distinction between the invention method and apparatus, compared to the subject matter disclosed in the cited and applied references of Mazzara, Bamburak et al. and Narasimha et al.

The invention pertains to a method and apparatus for efficiently selecting and acquiring a wireless communications system (as opposed to the prior art where each failed attempt can take up to 20 seconds and may be caused by a variety of factors, i.e., inability to detect a pilot signal or a blocked or weakened signal due to physical obstructions). In the invention system, a mobile station is adapted to avoid unusable wireless communications systems during the process of system acquisition – wherein the mobile station includes processing circuitry and a memory storing a preferred roaming list and system avoidance data. The system avoidance data identifies unusable systems and includes corresponding avoidance criterion, so that the processing circuitry selects a system from the preferred roaming list based upon a predetermined system acquisition procedure, wherein the selection system is skipped if corresponding avoidance criterion (equal to a current time plus an avoidance duration time) is satisfied. If the selected system is useable, the mobile station acquires and registers with the selected system. Further, the processing circuitry is adapted to add systems to the system avoidance data responsive to a

communications failure, and remove systems from the system avoidance data when corresponding avoidance criterion is no longer satisfied.

Claims1-24 were rejected over Mazzara in view of Bamburak et al. and Narasimha et al. under 35 USC 103(a).

Applicants respectfully traverse this rejection and request reconsideration for reasons hereafter advanced.

Mazzara's objective is to provide a method for establishing a wireless service connection for a mobile vehicle to a cellular network, using preferred carriers and procedures depending on the geographical region in which the mobile vehicle is located, and overcoming the deficiencies and obstacles thereto by prioritizing a portion of a system access list based on a channel identifier in a first band; selecting a secondary channel that is not in the system access list portion in response to a failed connection notification from channels in the system access list portion, wherein the connection notification comprises a rejection of a call origination and comprises a rejection of an attempt to register with a carrier.

It is manifestly clear that Mazzara's method fails to include corresponding avoidance wireless criterion for not using the wireless communications system, and this is not compensated for by any teachings in Bamburak et al. or Narasimha et al.

As stressed repeatedly in applicants' specification, and particularly in paragraph [0010] the avoidance criterion includes an avoidance time that is equal to a current time plus an avoidance duration time. The avoidance duration time is found in a look-up table that includes an entry for each of a plurality of communications failures and corresponding avoidance durations and this too is lacking in Mazzara.

Further, Mazzara evidences no appreciation for or acknowledgement of, applicants' essential component of a necessary and indispensable avoidance criterion to prevent any failed

registrations/acquisition attempts that are common and time consuming that may take up to 20 seconds due to a variety of factors ( such as the mobile device being unable to detect a pilot signal transmitted from a system base station if the pilot signal is blocked or weakened by physical obstructions) as related in [0005] of applicants' specification.

The deficiencies of Mazzara are not taught or disclosed in any teachings of Bamburak et al., as Bamburak et al. only disclose a method for categorization of multiple providers in a wireless communications service environment in which, after power-up, a mobile communications device (cellular telephone) checks the most recently used control channel to determine whether an optimal service provider is available on that channel, and if an optimal service provider is not available or if that channel is not available, the mobile device performs a search through frequency spectrum in a predetermined order until an optimal or acceptable service provider is located,( as is illustrated in FIG. 4 by the flowchart illustrating a spectrum searching routine). So, Bamburak et al. makes no reference to or acknowledgement of, a method for efficiently selecting and acquiring a preferred wireless communications system to avoid situations where failed registration/acquisition attempts are common and time consuming to the extent that each failed attempt may take up to 20 seconds and may be caused by the cellular phone being unable to detect a pilot signal transmitted from a system base station if the pilot signal was blocked or weakened by physical obstructions – let alone provide any solution thereto.

The combination of Mazzara and Bamburak et al. are not tenable – as the combination would not arrive at the method and apparatus recited in Applicants claims. Neither would the combination in Applicant's claims be rendered obvious under the established guidelines of 35 USC §103(a).

Combining Narasimha et al. with Mazzara and Bamburak et al. does not cure these deficiencies as Narasimha et al. shows that its objective pertains to multiple-mode wireless terminals that can operate under both an AMPS and CDMA system and does this by attempting to acquire the CDMA system at the multiple-mode AMPS/CDMA wireless terminal independent of receiving a Global Action (GA) overhead message from the AMPS system at the multiple-mode AMPS/CDMA wireless terminal, while continuing to receive paging messages for the multiple-mode AMPS/CDMA wireless terminal from the AMPS system.

Paragraphs 0043 and 0044 thereof only disclose that in spaced apart time intervals during which an attempt is made to successfully acquire the CDMA system, embodiments of the invention can wait for a predetermined time until new attempts are made to acquire the CDMA system, the wait may be a constant time, the wait time may increase with each cycle of operations, or the wait time may increase until a predetermined maximum wait time is achieved, after which the maximum wait time is maintained. This is not an avoidance time that is equal to a current time plus an avoidance duration time, in the absence of the use of hindsight, after having access to applicants' invention. Neither does Narasimha et al. disclose use of corresponding avoidance criterion that is equal to a current time plus an avoidance duration time from a look-up table that includes an entry for each of a plurality of communications failures and corresponding avoidance durations

Accordingly, the combination of Mazzara in view of Bamburak et al. and Narasimha et al. cannot be reconciled under exacting requirements of 35 USC 103 (b) to reject these claims on grounds of obviousness.

Withdrawal of the rejection is respectfully requested.

### **Conclusion**

In view of the forgoing amendments, remarks and arguments, it is believed that the application is now in condition for allowance, and early notification of the same is earnestly solicited.

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